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Compilation on Indonesia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. The Human Rights Committee and the Committee on the Rights of the Child recommended that Indonesia consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights.[3] The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child encouraged Indonesia to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[4] The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child encouraged Indonesia to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,[5] and to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.[6] The Committee on the Rights of the Child recommended that Indonesia ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman

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or Degrading Treatment or Punishment and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.[7]

3. The Committee on the Rights of the Child urged Indonesia to accede to the Convention relating to the Status of Refugees and its 1967 Protocol.[8] That Committee and the Committee on the Elimination of Discrimination against Women recommended that Indonesia accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.[9]

4. The Committee on the Elimination of Discrimination against Women urged Indonesia to consider ratifying the Rome Statute of the International Criminal Court.[10]

5. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child recommended that Indonesia ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[11] The Committee on Economic, Social and Cultural Rights recommended that Indonesia ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).[12]

6. In 2013, the Committee on the Elimination of Racial Discrimination sent a letter to Indonesia under its early warning and urgent action procedure reiterating its concern regarding the situation of the Malind and other indigenous peoples in Papua and the alleged ongoing negative effects on their livelihoods of the reportedly massive and non-consensual alienation of their traditional lands by the Marueke Integrated Food and Energy Estate Project.[13] In 2015, it sent another letter concerning a permit that had been granted for sugar cane plantations on nearly 50 per cent of the Aru indigenous peoples' ancestral territory, without any prior consultation with them. It noted with concern that Indonesia had not yet responded to any of its previous letters.[14]

7. Indonesia made financial contributions to the Office of the United Nations High Commissioner for Human Rights in 2012, 2014 and 2016.[15]

III. National human rights framework[16]

8. The Human Rights Committee was concerned at the inordinate delay in enactment of the bill on the Criminal Code. It recommended that Indonesia expedite the enactment and ensure that the Code included a definition of torture that covered all the elements contained in article 1 of the Convention against Torture.[17]

9. The same Committee recommended that Indonesia address concerns about the National Commission on Human Rights (Komnas HAM), including the tenure of its members, and provide it with adequate resources in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[18]

10. The Committee on Economic, Social and Cultural Rights recommended that Indonesia grant the National Commission on Violence against Women independence in the administration of its resources.[19] The Committee on the Elimination of Discrimination against Women recommended that Indonesia consider developing a national gender policy and that it provide the Commission with adequate resources.[20]

11. The Committee on the Rights of the Child recommended that Indonesia strengthen the mandate of the Child Protection Commission by providing it with the capacity to investigate and address complaints by children.[21]

12. The Human Rights Committee and the Committee on the Elimination of Discrimination against Women welcomed the adoption of a national plan of action on

human rights (2011-2014).[22] The United Nations country team in Indonesia commended the Government for its efforts to reflect a number of the targets and indicators of the Sustainable Development Goals in the 2015-2019 Medium-Term Strategic Plan.[23]

13. The Committee on Economic, Social and Cultural Rights recommended that Indonesia raise awareness of the justiciability of economic, social and cultural rights, including through awareness-raising campaigns and the inclusion of human rights in school curricula at all levels.[24]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[25]

14. The country team noted that in a number of provinces and districts, local laws discriminated against women and marginalized groups such as sexual and gender minorities, sex workers, drug users and persons living with HIV/AIDS.[26]

15. The Committee on the Elimination of Discrimination against Women reiterated its concern that there was no clear definition of discrimination based on article 1 of the Convention on the Elimination of All Forms of Discrimination against Women in the Constitution or other legislation.[27] It was also concerned about the delay in adopting the draft law on gender equality.[28]

16. The Committee on Economic, Social and Cultural Rights called on Indonesia to adopt a comprehensive framework law prohibiting discrimination that included indirect discrimination on all grounds, provided for the application of special measures to achieve equality, when necessary, and provided for penalties in the case of violation of the law, and accessible remedies for victims.[29]

17. The Committee on the Elimination of Discrimination against Women was deeply concerned about severely discriminatory by-laws, including those in Aceh, that restricted women's rights in the conduct of their daily life, imposed dress codes, restricted freedom of movement and severely penalized allegedly immoral relationships.[30] The Committee on Economic, Social and Cultural Rights noted with concern that laws and by-laws were in force that discriminated against women, marginalized individuals and groups such as sex workers, and lesbian, gay, bisexual and transgender persons.[31]

18. The Committee on the Elimination of Discrimination against Women recommended that Indonesia amend all discriminatory by-laws and increase support for law reform through partnerships with Islamic jurisprudence research organizations and other organizations.[32]

2. Development, the environment, and business and human rights[33]

19. The Committee on Economic, Social and Cultural Rights expressed concern that corruption permeated the administration at all levels.[34]

20. The same Committee expressed concern at violations of human rights in the mining and plantations sectors, that the free, prior and informed consent of affected communities was not always sought for such projects, and at the lack of adequate monitoring of the human rights and environmental impact of extractive projects during their implementation.

It called on Indonesia to ensure that the tangible benefits of such projects and the distribution of those benefits were not regulated solely by voluntary corporate social responsibility policies, but were defined in licence agreements.[57]

B. Civil and political rights

1. Right to life, liberty and security of person[58]

21. The Human Rights Committee regretted that Indonesia had resumed executions and that the courts imposed death sentences for drug crimes. It recommended that Indonesia ensure that if the death penalty was maintained, it was for the most serious crimes only, and that it consider commuting all death sentences imposed for drug crimes.[59]

22. The United Nations Special Rapporteurs on extrajudicial, summary or arbitrary executions, on torture and other cruel, inhuman or degrading treatment or punishment, and on the independence of judges and lawyers urged the Government to halt executions of people convicted of drug-related offences and retry them in accordance with international standards.[60]

23. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had recorded the killing of two journalists since 2008.[61] The Human Rights Committee was concerned at increased reports of excessive use of force and extrajudicial killings by the police and the military during protests, particularly in West Papua, Bima and West Nusa Tenggara.[62]

24. The same Committee regretted the use of corporal punishment in the penal system, particularly in Aceh, where the Acehnese criminal law provided for penalties such as flogging.[63]

25. The Committee was concerned at reports of overcrowding and deaths of prisoners relating to poor sanitation and lack of adequate health care. It recommended that Indonesia expedite its efforts to reduce overcrowding in places of detention, including by resorting to alternatives to imprisonment, and improve conditions of detention, particularly with regard to medical care.[64]

26. The Committee on the Elimination of Discrimination against Women was deeply concerned about reports of sexual abuse of women in police detention, the absence of provisions in the Criminal Procedure Code providing women in custody with protection and the difficulties they faced in lodging complaints about police misconduct.[65] The Committee on the Rights of the Child was deeply concerned about the many cases of violence against children in detention and at all trial phases.[66]

27. The Human Rights Committee was concerned that no oversight body was allowed to conduct unannounced visits to places of deprivation of liberty.[67]

28. The same Committee was concerned at the increasing number of reports that the *gijzeling* system, whereby individuals were detained purely for failing to pay a civil debt to their creditors, was abused by police officers.[68]

29. The Committee on the Elimination of Discrimination against Women was deeply concerned that sexual violence, especially rape, had reportedly been a recurring form of violence against women during conflict, and about the lack of progress in providing women victims of sexual violence with justice, truth, reparation and rehabilitation.[69]

30. While taking note of the decision of the Ministry of Health in 2014 to revoke Regulation No. 1636 of 2010 on female circumcision, the Committee on the Rights of the Child remained concerned about the large number of girls who had been victims of female genital mutilation.[70]

31. The same Committee reiterated its recommendation that Indonesia amend its current legislation to prohibit corporal punishment everywhere, including in the family, schools and childcare settings.[49]

2. Administration of justice, including impunity, and the rule of law[50]

32. The Human Rights Committee recommended eradicating corruption in the administration of justice, including in the provision of legal aid.[51]

33. The country team expressed concern that the lack of clear procedures and accountability, as well as the low level of representation of women and minority groups, could have a negative effect on the fairness and effectiveness of customary justice.[52]

34. The Committee on the Elimination of Discrimination against Women recommended that Indonesia provide training to judges, including those in religious courts, prosecutors and lawyers so that a legal culture supportive of women's equality with men and non-discrimination on the basis of sex was firmly established.[53]

35. The Human Rights Committee encouraged Indonesia to revise the Criminal Procedure Code to provide that anyone arrested or detained on a criminal charge was brought before a judge within 48 hours.[54]

36. The Committee on the Elimination of Discrimination against Women was concerned about the delay in finalizing and adopting the draft law establishing a national truth and reconciliation commission.[55]

37. The Human Rights Committee regretted the impasse between the Attorney General and Komnas HAM with regard to the threshold of evidence that the latter should satisfy before the Attorney General could take action.[56] The Committee on Economic, Social and Cultural Rights was concerned that, without the obligation of public bodies to respond to cases submitted by Komnas HAM, the complaints mechanism was ineffective in providing non-judicial redress to victims of human rights violations.[57]

38. The Human Rights Committee recommended that Indonesia expedite the establishment of a court to investigate cases of enforced disappearance committed between 1997 and 1998, as recommended by Komnas HAM and the parliament.[58]

39. The Committee on the Rights of the Child welcomed the adoption of Law No. 11/2012 on the juvenile justice system, which raised the minimum age of criminal responsibility and prioritized the use of restorative justice.[59] However, it noted with concern that the minimum age of criminal responsibility remained very low at 12 years of age and recommended that Indonesia consider raising it to at least 14.[60]

40. The same Committee was concerned at the large number of children sentenced to jail even for petty crimes, and that they were often detained with adults in poor conditions.[61]

3. Fundamental freedoms and the right to participate in public and political life[62]

41. The Human Rights Committee regretted that Law No. 1/1965 on defamation of religion and other laws unduly restricted freedom of religion and expression of religious minorities such as the Ahmadiyya.[63]

42. The Committee on the Rights of the Child was deeply concerned that children were obliged to attend religious instruction in school in one of the six religions listed in Law No. 1/1965 and urged Indonesia to amend its legislation.[64] The Human Rights Committee recommended that Indonesia reform the education curricula to promote religious diversity and ensure that the preferences of both believers and non-believers were accommodated.[65]

43. The Committee on the Rights of the Child was deeply concerned about the use of regulations against blasphemy and proselytizing to prosecute persons belonging to religious minorities, and about the draft law on religious harmony, which risked increasing discrimination.[66]

44. The Human Rights Committee was concerned at reports suggesting failure on the part of State authorities to protect victims of violent attacks motivated by religious hatred, and about the lenient penalties imposed on the perpetrators of such attacks.[67]

45. The Committee on the Rights of the Child, deeply concerned that non-Muslims were explicitly required to follow sharia law in Aceh, urged Indonesia to ensure that non-Muslims were exclusively governed by secular law.[68]

46. The Human Rights Committee was concerned at the application of the defamation provisions of the Criminal Code and Law No. 11/2008 on information and electronic transactions to stifle legitimate criticism of State officials.[69]

47. The same Committee was particularly concerned at reports that Indonesia used its security apparatus to punish political dissidents and human rights defenders.[70]

48. The Committee remained concerned at undue restrictions on the freedom of assembly and expression of protesters in West Papua.[71]

49. The Committee expressed concern over the law on mass organizations, which introduced undue restrictions on both domestic and "foreign" associations, particularly the onerous requirements for registration and the vague and overly restrictive requirements that such associations be in line with the State's official philosophy of *Pancasila*.[72]

50. The Committee recommended that Indonesia strengthen its efforts to increase women's participation in political and public affairs and in the private sector.[73]

4. Prohibition of all forms of slavery[74]

51. The Committee on the Rights of the Child was very concerned about the high prevalence of trafficking within Indonesia and the large number of underage children involved in sex work.[75] It urged Indonesia to improve and extend the Anti-Trafficking in Persons Task Force to cover every part of the country and to amend its legislation to ensure that child trafficking in all its forms was comprehensively defined and criminalized.[76] The Committee on the Elimination of Discrimination against Women called upon Indonesia to take a comprehensive approach to addressing the question of prostitution, including by establishing exit programmes, and to ensure that underage girls were offered the support they needed for rehabilitation and reintegration into society.[77]

52. The Committee on Economic, Social and Cultural Rights was concerned that child marriage was still practised and urged Indonesia to prevent child marriages in law and in practice.[78] The Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women raised similar concerns and made similar recommendations.[79]

5. Right to privacy and family life

53. In the light of the Constitutional Court decision giving children born out of wedlock the right to inherit, the Human Rights Committee urged Indonesia to bring the law on marriage and other relevant legislation in line with that decision and the International Covenant on Civil and Political Rights.[80]

54. The Committee on the Elimination of Discrimination against Women was concerned about the delay in withdrawing discriminatory provisions from the Marriage Act of 1974,

including those that authorized polygamy and set the legal age for marriage of girls at 16 and boys at 19.[81]

55. The same Committee was concerned that Muslim women could not marry and divorce under the civil law, as they were governed by sharia law only.[82]

56. The Committee on the Rights of the Child noted with concern that decisions regarding adoption and custody were often taken on the basis of children's religion, rather than their best interests, and that, according to sharia law applicable to Muslims, in divorce proceedings, decisions relating to child custody were based on their age.[83]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[84]

57. The Committee on Economic, Social and Cultural Rights was concerned about the considerable gender pay gap resulting from the concentration of women in lower-paying employment sectors and their underrepresentation in high-level positions in the public and private sectors. It recommended that Indonesia address obstacles to women's career advancement, such as sexual harassment in the workplace and traditional gender role stereotypes.[85]

58. The same Committee was concerned about the lack of just and favourable working conditions for the two thirds of the workforce employed in the informal economy. It recommended that Indonesia adopt a long-term strategy that addressed the regulatory obstacles to the creation of companies and employment in the formal economy, facilitated the regularization of workers employed in the informal economy and expanded the scope of application of the 2003 Manpower Law and labour inspection to the informal economy.[86]

59. The Committee on the Elimination of Discrimination against Women was deeply concerned about the exclusion of domestic workers, a high proportion of whom were women, from the protections afforded by the Manpower Act.[87] The Committee on Economic, Social and Cultural Rights called on Indonesia to expedite the adoption of the draft law on domestic workers and to ensure that it provided for the same working conditions as the Manpower Law and included additional protection in relation to specific conditions, such as residence with the employer, which rendered domestic workers vulnerable to forced labour, violence and sexual harassment.[88] It was concerned at continuing reports of exploitation and abuse of Indonesian nationals employed as domestic workers abroad.[89]

60. The same Committee called on Indonesia to recognize in law the right to strike of civil servants not performing essential services, and their right to organize.[90] Concerned at reports of repression of trade union activities, including by the authorities, it recommended that Indonesia develop the capacity of law enforcement and labour inspection to investigate allegations of repression of union activities, so that they were not construed as a form of defamation of employers.[91]

2. Right to social security

61. The same Committee was concerned that the minimum essential levels of economic, social and cultural rights were not guaranteed in remote islands and areas in Papua, primarily due to the unavailability and poor quality of public services, including in education and health.[92]

62. It recommended that Indonesia consider establishing a social protection floor and pursue its efforts to establish an unemployment insurance scheme.[93]

3. Right to an adequate standard of living[94]

63. The same Committee was concerned about the significant increase in staple food prices in Indonesia, which aggravated malnutrition.[95]

64. It was also concerned that, in rural areas, approximately one quarter of the population did not have access to safe drinking water, and that open defecation was still widely practised.[96]

65. It was further concerned at reports of forced evictions without adequate reparation and alternative housing, including in the context of development projects, and that legislation permitted evictions even if tenants were left homeless.[97]

66. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, recommended that the Government consider adopting a National Housing Strategy that: (a) focused on the needs of those facing difficulties in accessing adequate housing through market mechanisms and promoted a variety of tenure forms, including private and social rental, as well as homeownership; (b) was designed, implemented and monitored ensuring meaningful and ongoing participation of the population, as well as in housing and land policies and programmes, both at the national and local levels, including budget allocation and spatial planning; (c) offered the opportunity for the Government to renew its commitment to allocate adequate funds to a national comprehensive slum upgrading policy that should include informal settlements on land not intended for habitation; and (d) included maintenance programmes to be implemented nationwide in all *Rusunawa* (apartments at a subsidized low rent) complexes.[98]

67. She also recommended that the Government: (a) bring its national and municipal legislation and regulations regarding forced evictions, land acquisition and land concessions in line with international human rights law and standards; (b) review and repeal national and regional laws, policies and practices that perpetuated discrimination by State and non-State entities in access to adequate housing of marginalized groups such as women, lesbian, gay, bisexual and transgender people, internal migrants and religious minorities; and (c) ensure that victims of domestic violence across the country had access to shelters that were easily accessible, with priority given to female heads of households and victims of domestic violence.[99]

68. She recommended that the Government ensure security of tenure in terms of legal recognition of possession, communal land rights and forest land ownership and to that end, revise the land regime so as to resolve ambiguities between customary (*adat*) and formal land laws.[100]

4. Right to health[101]

69. While welcoming the introduction of universal health coverage, the Committee on Economic, Social and Cultural Rights was concerned that the health-care system was unable to meet the subsequent demand for health services.[102] The Committee on the Rights of the Child was concerned that total health expenditure in 2011 had been only 2.7 per cent of gross domestic product.[103]

70. The country team noted that, while there had been progressive improvement in the coverage of reproductive, maternal, newborn, child and adolescent health services, there was evidence that potentially life-saving interventions were often of insufficient quality.[104] The Committee on the Elimination of Discrimination against Women was concerned about the persistently high rate of maternal mortality.[105] The Committee on the Rights of the Child was very concerned about the still high percentage of neonatal, infant and under-5

mortality, particularly as a result of diarrhoea and pneumonia, and the large number of children below the age of 5 who were suffering from stunting and underweight.[106]

71. The same Committee was concerned about the absence of specific public health regulations on preventive health issues such as immunization, and the unsatisfactory implementation of the immunization programme.[107]

72. The Committee on Economic, Social and Cultural Rights was concerned that mental health services were available only in a few medical institutions in large cities. It called on Indonesia to adopt a national mental health policy aimed at making mental health services available and accessible.[108]

73. The Committee on the Elimination of Discrimination against Women called upon Indonesia to extend the time limit for undergoing an abortion and decriminalize abortion in cases of incest and where the health of the pregnant woman or girl was in danger, authorize women to undertake abortion without their husband's consent and provide safe abortion and post-abortion services.[109]

74. The country team noted that health-care providers, particularly at government health-care centres, did not provide sexual and reproductive health services, including contraception and family planning, to unmarried people.[110] The Committee on the Elimination of Discrimination against Women called upon Indonesia to ensure that women could access contraception without requesting their husband's consent.[111] The Committee on Economic, Social and Cultural Rights called on Indonesia to ensure access to sexual and reproductive health services for unmarried women and teenagers, as well as married women without the consent of spouses.[112]

75. The Committee on the Elimination of Discrimination against Women was concerned about the sharp rise in the prevalence of HIV/AIDS.[113] The Committee on Economic, Social and Cultural Rights urged Indonesia to ensure that HIV prevention and treatment were included in the minimum package provided by the primary health-care system.[114]

5. Right to education[115]

76. The Committee on the Elimination of Discrimination against Women welcomed the fact that 20 per cent of the national budget was allocated to education and that Indonesia was on track to achieve the Millennium Development Goal targets for primary education and literacy.[116] The Committee on the Rights of the Child regretted that the budget was insufficient to ensure education for all children,[117] and was very concerned about the large number of children of compulsory school age who were out of school, particularly in Java.[118]

77. The Committee on Economic, Social and Cultural Rights was concerned that the lack of education services or their poor quality in some areas left Indonesia with a large number of illiterate persons. It was also concerned that the deployment of less qualified teachers to remote areas perpetuated the discriminatory situation.[119]

78. UNESCO recommended that Indonesia pursue efforts to ensure universal, compulsory, free high-quality education, particularly for those pertaining to minority groups and children with disabilities, reduce the financial barriers to accessing education and ensure access based on capacity in vocational and higher education.[120] The Committee on the Rights of the Child urged Indonesia to ensure that education was available to all asylum-seeking and refugee children, children of migrant workers and children who did not have a birth certificate.[121]

79. The Committee on the Elimination of Discrimination against Women remained concerned about the dropout rate among girls owing to farming work and early pregnancy,

about the difficulties girls faced in accessing quality education in poor and rural areas, and girls working in domestic service.[122]

80. The Committee on the Rights of the Child was concerned at the high occurrence of violence in schools, including on the part of teachers. It urged Indonesia to develop school-specific action plans and regular school inspections aimed at putting an end to corporal punishment and other forms of violence in school, including bullying.[123]

81. The Committee on Economic, Social and Cultural Rights recommended that the process of privatization of higher education be accompanied by measures to ensure that it remained equally accessible to all, on the basis of capacity.[124]

82. The same Committee was concerned that a number of languages in Indonesia were at risk of disappearance. It recommended that Indonesia invest in the effective implementation of Ministry of Education and Culture Regulation No. 81/A of 2013 on the inclusion of the teaching of local languages in the primary school curricula.[125]

D. Rights of specific persons or groups

1. Women[126]

83. The Committee on the Elimination of Discrimination against Women remained deeply concerned at the persistence of adverse cultural norms and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men, which contributed to the persistence of violence against women and practices harmful to women and girls, such as female circumcision, early marriage, arranged marriage and polygamy.[127]

84. The same Committee remained concerned about the limited number of cases of rape and sexual assault brought to court; the lenient punishments meted out to those convicted of offences related to violence against women;[128] and practices such as the mediation of the police in rape cases, the payment of a fine as the settlement of the case, the practice of marrying the victim to the rapist and the stigmatization of victims of rape.[129] The Committee on the Rights of the Child was deeply concerned about girls being frequently subjected to violence, noting that women and girls were referred to alternative dispute-resolution mechanisms, in particular religious courts, which frequently discriminated against them.[130]

85. The Committee on Economic, Social and Cultural Rights called on Indonesia to strengthen its legislation on violence against women, including by penalizing all forms of sexual violence.[131] The Committee on the Elimination of Discrimination against Women recommended that Indonesia consider amending the Criminal Code and Law No. 23/2004 on domestic violence, defining and criminalizing marital rape.[132]

86. The country team noted that several provisions of Law No. 1/1974 on marriage discriminated against women and girls. For example, it authorized polygamy, contained different inheritance rules for sons and daughters, failed to protect women who entered into an interreligious marriage and restricted Muslim women to marrying or divorcing under civil law.[133]

87. The country team recommended that Indonesia amend all discriminatory by-laws adopted in the Aceh Province that restricted women's rights in the conduct of their daily life, including social and public life, imposed a dress code and impeded freedom of movement, and review penal sanctions against allegedly immoral relationships.[134]

88. The country team also noted that women living with HIV faced several issues, including sexual violence, economic discrimination and forced or coerced sterilization.[135]

2. Children[136]

89. The Committee on the Rights of the Child was deeply concerned about the large number of children exposed to hazardous conditions or the worst forms of child labour, and in domestic or sex work; about the absence of provisions on forced labour and of laws regulating the work of children aged between 16 and 18; and that the implementation of the National Plan of Action for the Elimination of the Worst Forms of Child Labour was hampered by a general perception of work as being part of the education process and of the child as being a "family asset", as well as coordination difficulties following the introduction of regional autonomy.[137] The country team stated that, although progress had been made to reduce child labour, more could be done in that regard, especially for children engaged in hazardous work, mainly in agriculture.[138]

90. The Committee on the Rights of the Child was concerned about the significant number of children working and living in the streets, and about the prevailing legal approach advocated in local regulations that treated children in street situations as criminals instead of victims, and the severe violence to which they were subjected by law enforcement agents, especially during sweep operations.[139]

91. The Committee reiterated its recommendation that Indonesia develop, in collaboration with non-governmental organizations and international organizations, a system of psychosocial support for children affected by armed conflict, which ensured their privacy.[140]

3. Persons with disabilities[141]

92. The Committee on Economic, Social and Cultural Rights called on Indonesia to bring Law No. 4/1997 in line with international human rights standards and define the denial of reasonable accommodation as a form of discrimination, and amend all legislative provisions that discriminated against persons with disabilities.[142]

93. The country team noted that National Education Ministerial Decree No. 70 (2009) on inclusive education was under review with a view to addressing the persistent discrimination faced by persons with disabilities and providing better mechanisms for schools to accommodate children with disabilities.[143]

94. The Committee on the Rights of the Child welcomed the National Plan of Action on Disabilities 2013-2022, but was concerned about the situation of children, particularly girls, with disabilities, who faced multiple forms of discrimination, including regarding their right to education and health care; and about the many children with disabilities who were hidden or placed in institutions because of social stigma or the economic cost of raising them.[144]

95. The country team highlighted the need to gather data on reproductive health, violence and sexual harassment specifically with regard to women with disabilities.[145]

4. Minorities and indigenous peoples[146]

96. The Human Rights Committee was concerned at reports that other religious minorities, such as Shia and Christians, were subjected to violence by other religious groups and law enforcement personnel. [147] The Committee on the Elimination of Discrimination against Women urged Indonesia to implement effective measures to eliminate discrimination, sexual violence and intimidation against women belonging to religious minorities, such as Ahmaddiyah, Christians, Buddhists and Baha'is, and indigenous women, and ensure access to land and natural resources for indigenous women.[148]

97. The Committee on Economic, Social and Cultural Rights urged Indonesia to expedite the adoption of the draft law on the rights of *Masyarakat Hukum Adat* (customary law communities). The law should define *Masyarakat Hukum Adat* and provide for the principle of self-identification, including the possibility to self-identify as indigenous peoples; effectively guarantee their inalienable right to own, develop, control and use their customary lands and resources; and define strong mechanisms for ensuring respect of their free, prior and informed consent on decisions affecting them and their resources, and adequate compensation and effective remedies in case of violation. The Committee also recommended harmonizing existing laws with that new law.[149]

98. The same Committee was concerned about provisions in Law No. 18/2013 on prevention and eradication of forest destruction and other laws that contravened the Constitutional Court decision on the right of ownership of customary forests by *Masyarakat Hukum Adat*. It was also concerned that, while Indonesia had granted concessions on forested land to develop palm oil plantations, members of *Masyarakat Hukum Adat* had reportedly been arrested on the basis of Law No. 18/2013.[150]

99. The Committee on the Rights of the Child was concerned about the situation of children belonging to indigenous communities, in particular Papuans, who were subjected to poverty, militarization, extraction of natural resources on their lands, and poor access to education and health care.[151]

5. Migrants, refugees, asylum seekers and internally displaced persons[152]

100. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that the absence of a comprehensive national legal framework for refugee protection limited refugees' enjoyment of basic rights, such as freedom of movement, education, health care and access to birth certificates as a measure to prevent statelessness.[153]

101. The United Nations High Commissioner for Human Rights expressed alarm that Indonesia, along with two neighbouring countries, had been pushing boats full of vulnerable migrants back out to sea, which would inevitably lead to many avoidable deaths. He emphasized that the focus should be on saving lives, not further endangering them.[154]

102. The country team stated that the immigration authorities continued to arbitrarily detain refugees and asylum seekers, including children and women, in poor conditions in overcrowded detention facilities.[155]

103. UNHCR recommended that the Government promote initiatives aimed at raising host communities' awareness of the rights of refugees, asylum seekers and unaccompanied and separated children belonging to religious minorities, and ensure that alternatives to detention were available in law and in practice.[156]

104. The Committee on the Elimination of Discrimination against Women was concerned about reports that many women and children remained internally displaced, including a large number of people displaced by renewed intercommunal violence in Maluku and East Java Provinces and by operations targeting rebels of the Free Papua Movement in Papua Province.[157]

6. Stateless persons

105. The country team emphasized that, with an estimated 40 million children without birth certificates, efforts were needed to reduce barriers to birth registration, including simplifying procedures, reducing documentary requirements, disconnecting birth registration from marriage registration and removing fines for late registration.[158] UNHCR recommended that the Government implement universal birth registration for all children

born in the country, including refugees, asylum seekers and migrants, as a measure to prevent statelessness.[150]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Indonesia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/IDSession27.aspx.
[2] For relevant recommendations, see A/HRC/21/7, paras. 108.1-108.9, 108.11-108.17, 108.20-108.25, 108.51-108.58, 109.1, 109.4, 109.6, 109.8-109.16.
[3] See CCPR/C/IDN/CO/1, para. 5, and CRC/C/IDN/CO/3-4, para. 79.
[4] See E/C.12/IDN/CO/1, para. 41, and CRC/C/IDN/CO/3-4, para. 79.
[5] See CEDAW/C/IDN/CO/6-7, para. 49, and CRC/C/IDN/CO/3-4, para. 79. See also CEDAW/C/IDN/CO/6-7, para. 7.
[6] See CEDAW/C/IDN/CO/6-7, para. 51, and CRC/C/IDN/CO/3-4, para. 79.
[7] See CRC/C/IDN/CO/3-4, para. 79.
[8] Ibid., para. 66 (c).
[9] See CEDAW/C/IDN/CO/6-7, para. 34 (c), and CRC/C/IDN/CO/3-4, para. 28.
[10] See CEDAW/C/IDN/CO/6-7, para. 28 (g).
[11] See E/C.12/IDN/CO/1, para. 17, CEDAW/C/IDN/CO/6-7, para. 38 (f), and CRC/C/IDN/CO/3-4, para. 72 (g).
[12] See E/C.12/IDN/CO/1, para. 38.
[13] See letter dated 30 August 2013 from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Representative of Indonesia to the United Nations Office and other international organizations in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IDN/INT_CERD_ALE_IDN_7098_E.pdf.
[14] See letter dated 28 August 2015 from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Representative of Indonesia to the United Nations Office and other international organizations in Geneva. Available from www.ohchr.org/Documents/HRBodies/CERD/EarlyWarning/Indonesia28092015.pdf.
[15] OHCHR, "Funding", in *OHCHR Report 2012*, p. 121; "Funding", in *OHCHR Report 2014*, p. 67; and *OHCHR Report 2016* (forthcoming).
[16] For relevant recommendations, see A/HRC/21/7, paras. 108.18, 108.30-108.35, 108.37-108.40, 108.42-108.50, 108.61, 108.84-108.87 and 109.20.
[17] See CCPR/C/IDN/CO/1, para. 14.
[18] Ibid., para. 7. See also CEDAW/C/IDN/CO/6-7, para. 19 (d).
[19] See E/C.12/IDN/CO/1, para. 8.
[20] See CEDAW/C/IDN/CO/6-7, para. 20 (c)-(d).
[21] See CRC/C/IDN/CO/3-4, para. 18.
[22] See CCPR/C/IDN/CO/1, para. 3 (a), and CEDAW/C/IDN/CO/6-7, para. 25.
[23] United Nations country team submission for the universal periodic review of Indonesia, p. 1.
[24] See E/C.12/IDN/CO/1, para. 5.
[25] For relevant recommendations, see A/HRC/21/7, paras. 108.68 and 109.20.
[26] Country team submission, p. 2.
[27] See CEDAW/C/IDN/CO/6-7, para. 13.
[28] Ibid., paras. 19 and 20 (e).
[29] See E/C.12/IDN/CO/1, para. 10.
[30] See CEDAW/C/IDN/CO/6-7, para. 17. See also CCPR/C/IDN/CO/1, para. 6, and CEDAW/C/IDN/CO/6-7, para. 47 (f).
[31] See E/C.12/IDN/CO/1, para. 6.
[32] See CEDAW/C/IDN/CO/6-7, para. 18. See also CEDAW/C/IDN/CO/6-7, para. 48 (c).
[33] For relevant recommendations, see A/HRC/21/7, paras. 108.141-108.144.
[34] See E/C.12/IDN/CO/1, para. 9.
[35] Ibid., paras. 27-28.
[36] For relevant recommendations, see A/HRC/21/7, paras. 108.26-108.29, 108.69-108.71, 109.21-109.23, 109.33 and 109.35.

[57] See CCPR/C/IDN/CO/1, para. 10.
[58] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20308&LangID=E. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20305&LangID=E.
[59] See UNESCO submission for the universal periodic review of Indonesia, para. 95.
[60] See CCPR/C/IDN/CO/1, para. 16.
[61] Ibid., para. 15.
[62] Ibid., para. 21. See also CEDAW/C/IDN/CO/6-7, para. 46 (c).
[63] See CEDAW/C/IDN/CO/6-7, paras. 45 (c) and 46 (c).
[64] See CRC/C/IDN/CO/3-4, para. 37 (a).
[65] See CCPR/C/IDN/CO/1, para. 20.
[66] Ibid., para. 22.
[67] See CEDAW/C/IDN/CO/6-7, para. 27.
[68] See CRC/C/IDN/CO/3-4, para. 33.
[69] Ibid., para. 8 (c).
[70] For relevant recommendations, see A/HRC/21/7, paras. 108.12, 108.88-108.91, 108.94-108.96, 108.119, 109.3, 109.5, 109.24-109.25 and 109.29.
[71] See CCPR/C/IDN/CO/1, para. 23. See also E/C.12/IDN/CO/1, para. 9.
[72] Country team submission, p. 6.
[73] See CEDAW/C/IDN/CO/6-7, para. 12 (b).
[74] See CCPR/C/IDN/CO/1, para. 19.
[75] See CEDAW/C/IDN/CO/6-7, para. 27.
[76] See CCPR/C/IDN/CO/1, para. 8.
[77] See E/C.12/IDN/CO/1, para. 7.
[78] See CCPR/C/IDN/CO/1, para. 8.
[79] See CRC/C/IDN/CO/3-4, para. 77. See also para. 3 (b), and CCPR/C/IDN/CO/1, para. 3 (b).
[80] See CRC/C/IDN/CO/3-4, paras. 77-78 (a).
[81] Ibid., para. 77.
[82] For relevant recommendations, see A/HRC/21/7, paras. 108.67, 108.97-108.114, 108.116-108.118, 108.139, 109.17-109.19, 109.30-109.32 and 109.34.
[83] See CCPR/C/IDN/CO/1, para. 25.
[84] See CRC/C/IDN/CO/3-4, paras. 29 (a) and 30. See also CCPR/C/IDN/CO/1, para. 26.
[85] See CCPR/C/IDN/CO/1, para. 26. See also CRC/C/IDN/CO/3-4, para. 30.
[86] See CRC/C/IDN/CO/3-4, para. 29 (b).
[87] See CCPR/C/IDN/CO/1, para. 17.
[88] See CRC/C/IDN/CO/3-4, paras. 29 (c)-30.
[89] See CCPR/C/IDN/CO/1, para. 27. See also UNESCO submission, para. 92.
[90] See CCPR/C/IDN/CO/1, para. 16.
[91] Ibid., para. 28.
[92] Ibid., para. 24.
[93] Ibid., para. 11. See also E/C.12/IDN/CO/1, para. 14 (c), and CEDAW/C/IDN/CO/6-7, paras. 31-32.
[94] For relevant recommendations, see A/HRC/21/7, paras. 108.76-108.81 and 108.83.
[95] See CRC/C/IDN/CO/3-4, para. 75.
[96] Ibid., para. 75. See also CEDAW/C/IDN/CO/6-7, para. 30 (c).
[97] See CEDAW/C/IDN/CO/6-7, para. 30 (c).
[98] See E/C.12/IDN/CO/1, para. 22.
[99] See CCPR/C/IDN/CO/1, para. 29, CRC/C/IDN/CO/3-4, paras. 35-36, and CEDAW/C/IDN/CO/6-7, paras. 47 (g) and 48 (d).
[100] See CCPR/C/IDN/CO/1, para. 30. See also CRC/C/IDN/CO/3-4, para. 3 (i).
[101] See CEDAW/C/IDN/CO/6-7, paras. 47 (b) and 48 (b). See also CEDAW/C/IDN/CO/6-7, paras. 17-18.
[102] Ibid., para. 47 (e).
[103] See CRC/C/IDN/CO/3-4, para. 21.
[104] For the relevant recommendations, see A/HRC/21/7, para. 108.138.
[105] See E/C.12/IDN/CO/1, para. 14. See also CEDAW/C/IDN/CO/6-7, para. 35.
[106] See E/C.12/IDN/CO/1, para. 16. See also E/C.12/IDN/CO/1, para. 21.
[107] See CEDAW/C/IDN/CO/6-7, para. 37 (a).

[8] See E/C.12/IDN/CO/1, para. 17. See also CEDAW/C/IDN/CO/6-7, para. 38 (a), CRC/C/IDN/CO/3-4, para. 72 (c), and country team submission, p. 7.
[9] See E/C.12/IDN/CO/1, para. 18.
[10] Ibid., para. 19.
[11] Ibid., para. 20.
[12] Ibid., para. 12.
[13] Ibid., para. 21.
[14] For the relevant recommendations, see A/HRC/21/7, para. 108.60.
[15] See E/C.12/IDN/CO/1, para. 31.
[16] Ibid., para. 26.
[17] Ibid., para. 30.
[18] See A/HRC/25/54/Add.1, para. 81.
[19] Ibid., para. 83.
[20] Ibid., para. 81.
[21] For relevant recommendations, see A/HRC/21/7, paras. 108.120-108.124.
[22] See E/C.12/IDN/CO/1, pa. s. 4 (a) and 32.
[23] See CRC/C/IDN/CO/3-4, r ara. 19.
[24] Country team submission, p. 8.
[25] See CEDAW/C/IDN/CO/6-7, para. 41 (b). See also E/C.12/IDN/CO/1, para. 33, and CRC/C/IDN/CO/3-4, para. 47 (b).
[26] See CRC/C/IDN/CO/3-4, para. 47 (a).
[27] Ibid., para. 47 (d).
[28] See E/C.12/IDN/CO/1, para. 34.
[29] See CEDAW/C/IDN/CO/6-7, para. 42 (e).
[30] Country team submission, p. 3.
[31] See CEDAW/C/IDN/CO/6-7, para. 42 (c). See also CRC/C/IDN/CO/3-4, para. 49 (a).
[32] See E/C.12/IDN/CO/1, para. 33.
[33] See CEDAW/C/IDN/CO/6-7, para. 41 (g). See also CRC/C/IDN/CO/3-4, para. 51.
[34] See E/C.12/IDN/CO/1, para. 32.
[35] For relevant recommendations, see A/HRC/21/7, paras. 108.125-108.133.
[36] See CEDAW/C/IDN/CO/6-7, para. 35.
[37] See CRC/C/IDN/CO/3-4, para. 15.
[38] Ibid., para. 59.
[39] See E/C.12/IDN/CO/1, para. 36.
[40] See UNESCO submission, para. 98.
[41] See CRC/C/IDN/CO/3-4, para. 60 (a).
[42] See CEDAW/C/IDN/CO/6-7, paras. 35-36. See also E/C.12/IDN/CO/1, para. 36, and CRC/C/IDN/CO/3-4, paras. 59 (c) and 60 (c).
[43] See CRC/C/IDN/CO/3-4, paras. 59 (d) and 60 (e).
[44] See E/C.12/IDN/CO/1, para. 37.
[45] Ibid., para. 40. See also E/C.12/IDN/CO/1, paras. 4 (d) and 36.
[46] For relevant recommendations, see A/HRC/21/7, paras. 108.64-108.66, 108.72-108.74, 108.92, 109.2, 109.26-109.27.
[47] See CEDAW/C/IDN/CO/6-7, paras. 23-24. See also CRC/C/IDN/CO/3-4, para. 20 (a).
[48] See CEDAW/C/IDN/CO/6-7, para. 25 (b). See also CCPR/C/IDN/CO/1, para. 13.
[49] See CEDAW/C/IDN/CO/6-7, para. 25 (b).
[50] See CRC/C/IDN/CO/3-4, para. 37 (b).
[51] See E/C.12/IDN/CO/1, para. 24 (b).
[52] See CEDAW/C/IDN/CO/6-7, para. 26 (d).
[53] Country team submission, p. 4.
[54] Ibid., p. 7.
[55] Ibid., p. 4.
[56] For relevant recommendations, see A/HRC/21/7, paras. 108.19, 108.28, 108.63, 108.75 and 108.82.
[57] See CRC/C/IDN/CO/3-4, para. 71 (a)-(b) and (d). See also E/C.12/IDN/CO/1, para. 23, and CEDAW/C/IDN/CO/6-7, paras. 37-38.
[58] Country team submission, p. 7.

[139] See CRC/C/IDN/CO/3-4, para. 73.
[140] Ibid., para. 8 (e).
[141] For relevant recommendations, see A/HRC/21/7, paras. 108.134-108.136.
[142] See E/C.12/IDN/CO/1, para. 11. See also CRC/C/IDN/CO/3-4, para. 46 (a).
[143] Country team submission, p. 10.
[144] See CRC/C/IDN/CO/3-4, para. 45 (a)-(b). See also CRC/C/IDN/CO/3-4, paras. 19 (b) and 45 (c).
[145] Country team submission, p. 10.
[146] For relevant recommendations, see A/HRC/21/7, paras. 108.115, 108.140 and 109.36.
[147] See CCPR/C/IDN/CO/1, para. 25.
[148] See CEDAW/C/IDN/CO/6-7, para. 46 (b).
[149] See E/C.12/IDN/CO/1, para. 38.
[150] Ibid., para. 39.
[151] See CRC/C/IDN/CO/3-4, para. 69. See also CRC/C/IDN/CO/3-4, para. 19 (d).
[152] For the relevant recommendation, see A/HRC/21/7, para. 108.137.
[153] UNHCR submission for the universal periodic review of Indonesia, p. 1.
[154] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15960&LangID=E.
[155] Country team submission, p. 11.
[156] UNHCR submission, p. 4.
[157] See CEDAW/C/IDN/CO/6-7, para. 27.
[158] Country team submission, p. 11.
[159] UNHCR submission, p. 6.